



IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION

THE DOW CHEMICAL CO., et al.)	
)	
Plaintiffs,)	
)	
v.)	
)	
ACME WRECKING CO., INC., et al.)	
)	
Defendants.)	
)	
THE DOW CHEMICAL CO., et al.)	Case Nos. C-1-97-0307
)	C-1-97-0308
Plaintiffs,)	C-1-01-439
)	
v.)	Judge Weber
)	
SUN OIL COMPANY, et al.)	
)	
Defendants.)	
)	
UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	
)	
v.)	
)	
AERONCA, INC., et al.,)	
)	
Defendants.)	

DEFENDANT AERONCA , INC.'S INTERROGATORIES, REQUESTS FOR
PRODUCTION OF DOCUMENTS, AND REQUESTS FOR ADMISSION TO ALL
PLAINTIFFS, FIRST SET

Defendant Aeronca, Inc. ("Aeronca"), pursuant to Rules 33, 34, and 36, Rules of Civil Procedure, hereby serve upon all Plaintiffs the following interrogatories, requests for production of documents, and requests for admission. Plaintiffs shall provide full responses under oath. For purposes of these requests, "documents" include papers of any description, whether typed,

printed or hand-written, photographs, films, video tapes, and information stored in computers or on computer discs. These requests shall be deemed to be continuing in nature, and Plaintiffs shall provide additional information and documents responsive to the requests as they become known to Plaintiffs and their attorneys. If the space provided for answers is insufficient, additional pages shall be used. If documents are withheld on a claim of privilege, Plaintiffs shall identify each such document and describe the applicable privilege. Documents shall be produced by mailing or delivering a true and accurate copy to undersigned counsel for Aeronca.

REQUEST FOR PRODUCTION OF DOCUMENTS NO. 1:

Produce all documents upon which Plaintiffs rely in support of the allegation that Aeronca arranged for disposal of hazardous substances at the Site. For purposes of this and subsequent discovery requests, "Site" shall mean the Skinner Landfill Superfund Site in West Chester, Ohio, and referred to as the "Site" in Plaintiffs' amended complaints.

RESPONSE:

INTERROGATORY NO. 1:

List by common name all hazardous substances that Plaintiffs contend that Aeronca arranged for disposal at the Site.

RESPONSE:

INTERROGATORY NO. 2:

Separately state for each hazardous substance listed in response to Interrogatory No. 1 the detailed factual basis upon which Plaintiffs base their allegation that the substance was disposed of at the site by arrangement of Aeronca.

RESPONSE:

REQUEST FOR ADMISSION NO. 1:

Admit that potassium permanganate was not detected at the Site or in any water flowing or migrating from the Site in sampling data gathered in the investigation of the Site or the assessment of the environmental or human health risks posed by the Site.

RESPONSE:

INTERROGATORY NO. 3:

If the response to Request for Admission No. 1 is a full or partial denial, identify the document by title, author, number (if any), date of issuance, and page numbers on which potassium permanganate is shown to have been detected at the Site or in any water flowing or migrating from the Site.

RESPONSE:

REQUEST FOR ADMISSION NO. 2:

Admit that potassium permanganate was not identified in any document prepared as part of the investigation of the Site or the assessment of the environmental or human health risks posed by the Site as being part of, or contributing to, the risks posed by the Site.

RESPONSE:

INTERROGATORY NO. 4:

If the response to Request for Admission No. 2 is a full or partial denial, identify the document by name, author, number (if any), date of issuance, and page numbers on which potassium permanganate is shown as being part of, or contributing to, the risks posed by the Site.

RESPONSE:

REQUEST FOR ADMISSION NO. 3:

Admit that the remedy designed for and implemented at the Site did not include measures expressly adopted to address risks posed by the presence of potassium permanganate at the Site or in water flowing or migrating from the Site.

RESPONSE:

INTERROGATORY NO. 5

If the response to Request for Admission No. 3 is a full or partial denial, explain in detail, with references where appropriate to remedy design documents, the manner in which the remedy for the Site was designed to address risks posed by potassium permanganate.

RESPONSE:

INTERROGATORY NO. 6:

List all documents that were prepared as part of the investigation, risk assessment, choice of the remedy, and design of the remedy for the Site, including but not limited to, the remedial investigation/feasibility study, risk assessments, record of decision, remedial design, and any other document containing information on hazardous substances located at or migrating from the Site, the risks posed by the Site, alternative remedies evaluated for the Site, selection of the remedy for the Site, and design of the remedy. For each such document, provide the title, author, date of issuance, and document number (if any).

RESPONSE:

REQUEST FOR PRODUCTION OF DOCUMENTS NO. 2:

Produce a copy of all documents listed in response to Interrogatory No. 6.

RESPONSE:

REQUEST FOR PRODUCTION OF DOCUMENTS NO. 3:

Produce a copy of all Consent Decrees entered into by the United States and potentially responsible parties pertaining to the Site, including, but not limited to, the Consent Decree entered by the Court on April 3, 2001, in United States v. Skinner-Morgan, No. C-1-00-424 (S.D. Ohio).

RESPONSE:

INTERROGATORY NO. 7:

Identify with reference to each numbered discovery request all persons who assisted in the preparation of the response to the request and the compilation and production of requested documents. For each such person, provide his or her name, title, employer, business address, and business telephone number.

RESPONSE:

THE FOLLOWING DISCOVERY REQUESTS ARE DIRECTED TO ALL PLAINTIFFS IN THE CONSOLIDATED ACTIONS EXCEPT THE UNITED STATES. SUCH PLAINTIFFS ARE REFERRED TO BELOW AS “THE CONTRIBUTION PLAINTIFFS”.

INTERROGATORY NO. 8:

State the total amount of money that the contribution plaintiffs estimate will be spent in “response costs” and “other expenses”, as those phrases are used in the contribution plaintiffs’ second amended complaint, including recoverable response costs incurred by the United States and the State of Ohio.

RESPONSE:

INTERROGATORY NO. 9:

State the amount of money that represents the contribution plaintiffs’ collective equitable share of the total “response costs” and “other expenses” as stated in response to the preceding interrogatory, and state the facts and reasoning upon which contribution plaintiffs conclude that the amount represents the contribution plaintiffs’ collective equitable share.

RESPONSE:

INTERROGATORY NO. 10:

State the amount of money that the contribution plaintiffs have presently collectively spent in “response costs” and “other expenses”.

RESPONSE:

Respectfully submitted,

David E. Northrop (0001804)
PORTER, WRIGHT, MORRIS & ARTHUR
41 South High St.
Columbus, Ohio 43215
(614) 227-2072

Attorney for Aeronca, Inc.

VERIFICATION

Having been duly sworn, I hereby state that the above responses to Interrogatories and Requests for Admission are true and complete, and that all documents responsive to the Requests for Production of Documents, except those that are privileged under law, have been produced.

(Print name, title, and employer)

Sworn to a subscribed in my presence this _____ day of _____, 200__.

Notary Public

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing was sent via electronic mail and by first class United States mail, postage prepaid, this ____, of _____, 2001, to the following:

Annette M. Lang
United States Department of Justice
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P.O. Box 7611
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